

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ESTATE OF JULIO EDUARDO HENRIQUEZ,  
by Julio Martinez as Administrator

**ORDER**

04-CV-0492 (DRH) (WDW)

Plaintiff, \_\_\_\_\_

-against-

VILLAGE OF HEMPSTEAD, *et al.*,

Defendants.  
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**APPEARANCES:**

**ESTATE OF JULIO EDUARDO HENRIQUEZ**  
PRO SE

**BEE READY FISHBEIN HATTER & DONOVAN LLP**

Attorney for Defendants  
170 Old Country Road  
Mineola, NY 11501  
By: Joshua Michael Jemal, Esq.

**HURLEY, District Judge:**

On December 15, 2005, United States Magistrate Judge William D. Wall, acting pursuant to 28 U.S.C. § 636(b), issued a report and recommendation on the above-captioned case, recommending that the case be dismissed with prejudice for failure to prosecute. Plaintiff's original counsel withdrew on November 29, 2005. New counsel has not made an appearance. Plaintiff has failed to participate in discovery, to communicate with lawyers, and to abide by orders of the Magistrate.

More than ten days have elapsed since Judge Wall issued his Report and Recommendation,

and neither party has filed any objections to it. Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the Report and Recommendation for clear error, has found none, and concurs in both its reasoning and its result. Accordingly, this Court now ADOPTS Judge Wall's December 15, 2005 Report and Recommendation as if set forth herein. Plaintiff's case is dismissed with prejudice. The Clerk of Court is directed to CLOSE this case.

**SO ORDERED.**

Dated: Central Islip, N.Y.  
February 1, 2006

/s/  
Denis R. Hurley  
United States District Judge